

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

LARRY WALKER, )  
                        )  
Plaintiff,         )  
                        )  
v.                     )              Case No. CIV-19-287-SLP  
                        )  
BAR-S FOOD CO.,     )  
                        )  
Defendant.         )

**O R D E R**

Before the Court is Defendant's Motion for Partial Dismissal of Plaintiff's Petition [Doc. No. 5]. The motion is at issue. *See* Resp., Doc. No. 8. Plaintiff is a former employee of Defendant who brings certain claims against Defendant based on his employment. Defendant answered certain of Plaintiff's claims and sought dismissal of other claims. *See* Answer, Doc. No. 4; Mot., Doc. No. 5. In response to Defendant's motion, Plaintiff states that he is either withdrawing or concurring in dismissal of the claims that Defendant challenged in its motion. Plaintiff further seeks leave to file an amended complaint that omits the claims he now agrees should not proceed. Defendant has not filed a reply brief or otherwise objected to Plaintiff's amendment request.

IT IS THEREFORE ORDERED that Plaintiff's request for leave to file an amended complaint pursuant to Rule 15(a)(2) is GRANTED. Plaintiff shall file an amended complaint within seven days of this Order.<sup>1</sup>

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<sup>1</sup> Plaintiff has not complied with either Local Civil Rule 7.1(c) ("A response to a motion may not also include a motion or a cross-motion made by the responding party.") or Local Civil Rule 15.1 ("A party moving under [Rule] 15(a)(2) to amend a pleading . . . must

IT IS FURTHER ORDERED that Defendant's Motion for Partial Dismissal of Plaintiff's Petition [Doc. No. 5] is GRANTED based on Plaintiff's agreement as to the same.

IT IS SO ORDERED this 20<sup>th</sup> day of June, 2019.



SCOTT L. PALK  
UNITED STATES DISTRICT JUDGE

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attach the proposed pleading as an exhibit to the motion. The motion shall state: (1) the deadline date established by the scheduling order, if any, and (2) whether any other party objects to the motion.”). For the sake of efficiency, the Court will excuse Plaintiff’s procedural errors. The Court warns Plaintiff that it is unlikely to do so further in this case.